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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,120	08/16/2000	Hong Joo Kim	HI-012	4074
34610	7590	08/02/2004	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			ORGAD, EDAN	
		ART UNIT		PAPER NUMBER
		2684		
DATE MAILED: 08/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/639,120	KIM ET AL.
Examiner	Art Unit	
Edan Orgad	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 June 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 22-27 is/are allowed.

6)  Claim(s) 1-7 and 11-18 is/are rejected.

7)  Claim(s) 8-10 and 19-21 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 & 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dong-Joo (US 5,850,954) in view of Soren et al (5,426,825).

Regarding claims 1 and 11, Dong-Joo teaches a belt clip device for a mobile communication terminal unit (see abstract) comprising: a terminal unit holder for receiving and holding the terminal unit (element 1); a clamp provided, on one side of the terminal unit holder and adapted to resiliently clip a belt worn by a user between first and second clamp arms of the clamp (fig. 4B, elements 6 & 7), thereby allowing the belt clip device to be mounted to the belt; and connecting means for rotatably connecting the clamp to the terminal unit holder (element 22). However, Dong-Joo fails to specifically disclose the terminal unit is rotatable in a plane extending substantially perpendicular to the a front surface of the clamp. However, in the same field of endeavor, Soren disclose a device for flexibly attaching a terminal unit where the terminal unit is rotatable in a plane extending substantially perpendicular to the a front surface of the clamp (figure 3, clamp 102, swiveling means 104 & hinge 108, see also col. 2, lines 41-54, col. 3, lines 11-26 & col. 4, lines 9-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Soren's terminal unit with rotatable means that allow the terminal unit to be substantially perpendicular to the a front surface of a

clamp with Dong-Joo's holder's assembly in order to provide the user great flexibility of usage of the terminal without removing the terminal from the user's belt.

Regarding claims 2 and 12, Dong-Joo teaches the first clamp arm (element 6) comprises a base portion and the second clamp arm (element 7) comprises a panel portion hingably coupled (element 9) at one end thereof to the base portion and spaced apart from the base portion to define a gap for receiving the belt there between and wherein the clamp further comprises a spring adapted to urge the base portion and the panel portion in such a fashion that the gap is resiliently maintained (col. 3, lines 9-25).

Regarding claims 3 and 13, Dong-Joo teaches a stopper provided at the other end of the panel portion and adapted to prevent the clamp from being separated from the belt (fig. 2, element 7, bottom of element 7).

Regarding claims 4 and 14, Dong-Joo teaches wherein the first clamp arm comprises a base portion and the second clamp arm comprises a tension panel portion connected at one end thereof to the base portion in such a fashion that it is resiliently supported by the base portion, the tension panel portion serving to resiliently clip the belt (col. 3, lines 16-25).

Regarding claims 5 and 15, Dong-Joo teaches the clamp further comprises a stopper provided at the other end of the tension panel portion and adapted to prevent the clamp from being separated from the belt (fig. 2, element 7, bottom of element 7).

Regarding claims 6 and 16, Dong-Joo teaches the connecting means comprises: a hinging member arranged between the terminal unit adapter and the clamp, the hinging member being hingably coupled to the first clamp arm of the clamp in such a fashion that it hinges about a hinge shaft with respect to the clamp while being rotatably coupled to the terminal unit holder;

and a rotating shaft for rotatably coupling the terminal unit holder to the hinging member in such a fashion that the terminal unit holder rotates about the rotating shaft with respect to the hinging member (col. 4, lines 25-46).

Regarding claims 7, Dong-Joo teaches an angular position holding means for holding an angular position of the terminal unit holder with respect to the hinging member (fig. 7, col. 4, lines 33-38).

Regarding claim 17, Dong-Joo teaches the connecting device further comprises a rotating shaft for rotatably coupling the terminal unit holder to the hinging member such that the terminal unit holder rotates about the rotating shaft with respect to the hinging member (fig. 7, col. 4, lines 33-38).

Regarding claim 18, Dong-Joo teaches an angular position holding device configured to hold an angular position of the terminal unit holder with respect to the hinging member (fig. 7, col. 4, lines 33-38).

#### *Response to Arguments*

Applicant's arguments with respect to claims 1-7 and 11-18 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

Claims 8-10 and 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 8-10 and 19-21, please see reasons for allowance dated 2/26/04 in office action # 6.

Claims 22-27 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 22, 23, 25 and 26, please see reasons for allowance dated 2/26/04 in office action # 6.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,384,810 Keyboard with belt clip attachment and height adjustment.

US 6,283,348 Cellular telephone clip.

US 6,032,337 Spring loaded belt clip assembly for a communication device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 703-305-4223. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edan Orgad



July 23, 2004